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REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the following remarks.

The Claims

Claims 1-16 are pending. Claims 1-16 are rejected as obvious under 35 U.S.C. §103.

Section 103 Rejection

The claims of this application are rejected as unpatentable over Editors (Business Editors. "USCreative Joins WorkExchange - the Internet's largest Marketplace for Work; Project Marketplace Continues Skyrocketing Growth." Business Wire. New York: Dec 13, 1999. pg 1) in view of McGloughlin (McGloughlin, Tom. Government Finance Review. Chicago: Jun 1990 Vol 6, Iss. 3; pg. 28 3pgs). Applicant respectfully disagrees with this rejection for the reasons set out below:

First, the references are not easily combined because the combination would require substantial reconstruction of the references. The "suggested combination of references [can not] require a substantial reconstruction and redesign of the elements shown in the [primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate." In re Ratti, 270 F.2d 810, 123 USPQ 349

(CCPA 1959). The business in Editors is directed toward job seekers and employers who are in need of freelance work. (Editors, page 2, paragraph 8). To change this business toward the direction of government or business entities procuring a financial product, as in the instant application, would require substantial redesign of the elements shown in this primary reference. First, Editor would have to be substantially redesigned to directing the business from job seekers to financial institutions. Second, Editors would have to substantially change every element of how the business is carried out. Therefore, Applicant's invention is nonobvious because the suggested combination would require substantial reconstruction of the primary reference.

Second, assuming arguendo that the references are easily combined, there is no suggestion or motivation for the combination of Editors and McLoughlin. The prior art must suggest the desirability of the claimed invention. See MPEP §2143.01. Editors teaches a business that "enables job seekers to access work opportunities across multiple network partner sites, select and bid on the most appealing ones, and manage those projects online." (Editors, page 2, paragraph 8). McLoughlin teaches that businesses "have chosen to issue a request for proposal (RFP) as a means of selecting an underwriter or underwriting syndicate." (McLoughlin, Abstract). Where is the suggestion or motivation to combine these references? The answer is nowhere, only in the instant

application. The Examiner stated that "[i]t would have been obvious to anyone of ordinary skill at the time of invention to include the teachings of McGloughlin to the disclosure of Editors." Why would a person of ordinary skill in the art of government or businesses entities procuring financial products look to a resource about freelance workers for hire like Editors? The answer is, they would not. Once again, the suggestion to combine is only found in the instant application.

Third, the court has held that the discovery and disclosure of the source and remedy of a problem is nonobvious and involves an inventive step. *Eibel Process Co. v. Minnesota & Ontario Paper Co.*, 261 US 45 (1923). In the *Eibel* case, the court ruled that an "invention was not the mere use of a high or substantial pitch to remedy a known source of trouble. It was the discovery of the source not before known and the application of the remedy for which *Eibel* was entitled to be rewarded in his patent." *Id.* at 68. *Eibel* teaches that an invention is nonobvious when the inventor discovers and discloses the source and remedy for a problem. The instant invention is the discovery and disclosure of the source and remedy of a problem. The problem disclosed by Applicant's disclosure is that government and business entities procuring financial products are taking too long. The remedy disclosed by Applicant's disclosure is "posting a request for a proposal (RFP) to a website." Therefore, Applicant's invention is nonobvious

because it is a discovery and disclosure of the source and remedy of a problem.

Accordingly, the Examiner's §103 rejection must be removed, and claims 1-16 should be allowed.

Conclusion

In view of the foregoing, Applicant respectfully requests an early Notice of Allowance in this application.

Respectfully submitted,



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